

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Daniel Pulizzano,

Petitioner

V.

Brian Williams, et al.,

Respondents

Case No.: 2:24-cv-02210-JAD-BNW

Order Dismissing Improperly Commenced Habeas Proceeding

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus under 28 U.S.C. § 2254.¹ Petitioner has not filed an application to proceed *in forma pauperis* or paid the filing fee.² Because this matter has not been properly commenced, it is dismissed without prejudice to the petitioner's ability to bring a **new** action under 28 U.S.C. § 2254 with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

In addition, it appears as if petitioner has yet to fairly present his claims for relief in the state court. Petitioner is advised that a federal court is not permitted to grant habeas relief “unless it appears that . . . the applicant has exhausted the remedies available in the courts of the

¹ ECF No. 1.

² See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

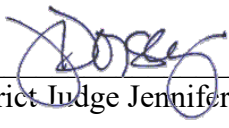
1 State.”³ State remedies have not been exhausted unless and until the petitioner's federal claims
2 have been fairly presented to the state's highest court.⁴

3 IT IS THEREFORE ORDERED that **THIS ACTION IS DISMISSED** without
4 prejudice.

5 IT IS FURTHER ORDERED that a certificate of appealability is denied as jurists of
6 reason would not find the court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 IT IS FURTHER ORDERED that the Clerk of Court is directed to **ENTER**
9 **JUDGMENT** accordingly, **CLOSE THIS CASE**, and **SEND** petitioner two copies each of an
10 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section
11 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
12 that he submitted in this action.

13 Dated: December 5, 2024

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15 U.S. District Judge Jennifer A. Dorsey
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23 ³ 28 U.S.C. § 2254(b)(1)(A).

⁴ See *Castille v. Peoples*, 489 U.S. 346, 350-51 (1989); *James v. Borg*, 24 F.3d 20, 24 (9th Cir.),
cert. denied, 513 U.S. 935 (1994).